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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,493	03/08/2004	Andrew D. Wells	27475/05251	2492
24024	7590	06/26/2006	EXAMINER	
CALFEE HALTER & GRISWOLD, LLP 800 SUPERIOR AVENUE SUITE 1400 CLEVELAND, OH 44114			WILKENS, JANET MARIE	
			ART UNIT	PAPER NUMBER
			3637	

DATE MAILED: 06/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/708,493	<b>Applicant(s)</b> WELLS ET AL.	
	<b>Examiner</b> Janet M. Wilkens	<b>Art Unit</b> 3637	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 8-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 15-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on March 8, 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/8/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

***Election/Restrictions***

Applicant's election without traverse of Group I claims 1-7 and 15-20 in the reply filed on May 26, 2006 is acknowledged.

Claims 8-14 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the dowel rods, spline, hardware, doors and drawers must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

The drawings are also objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 70 and 54.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of

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any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 16 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. For claims 16 and 20, it is indefinite to state that the recess/groove of the edging is for engaging the recess/groove on the panels. The recesses of both members engage respective projecting members of the other member.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 17, 18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Freeman (3,195,968). Freeman teaches a cabinet (Fig. 1) comprising: top (8), bottom (7), side (9) and back panels (12) and a shelf (11) therebetween. The top, side and bottom panels include a groove (see fig. 3) with generally U-shaped edging material (31, 27,29) located therein so as to form an overhang with an outer

surface/outer edge of the panels and a flush relationship with the inner surface of the panels. The edging material also includes an inner recess/groove (made between walls of edging). The cabinet further includes "slack" (feet 48 and the edging) to allow the cabinet to be manipulated to conform to surface on which the cabinet is mounted.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman. As stated above, Freeman teaches the limitations of claim 1, including panels with edging material there over. The edging material includes an inner recess. (Note: limitations found in intended use/"for" statements have been given no weight in the claims. For claim 3, Freeman fails to specifically teach the degree of overhang of the edging material. However, it would have been an obvious design consideration to one of ordinary skill in the art at the time of the invention to have the overhang of the edging material be any of a number of dimensions, including between .125 and .5 inches, depending on the desired need of the person constructing the cabinet, e.g. for aesthetic reasons.

For claim 15, Freeman fails to teach that the cabinet panels are connected together via biscuit joints, dowel rods or splines. Rather the panels are attached using

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miter cut edging and edging members. The examiner takes Official notice that panels connected via biscuit joints, dowel rods or splines are well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the cabinet of Freeman by adding one of the features between the panels, to provide additional and interior securement.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman in view of Enns (5,100,216). As stated above, Freeman teaches the limitations of claim 1, including panels with edging material there over. For claim 5, Freeman fails to teach edging on the shelf. Enns teaches edging (26) along side, top and bottom panels and along the fronts of shelves (85). It would have been an obvious design consideration to one of ordinary skill in the art at the time of the invention to add edging material (and corresponding grooves) on the front edge of the shelf of Freeman, such as is taught by Enns, depending on the desired need of the person constructing the cabinet, e.g. for aesthetic reasons. Freeman in view of Enns also fails to teach plural shelves. However, it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art.

Claim 6, 7 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman in view of Dickson (3,329,473). As stated above, Freeman teaches the limitations of claims 1 and 17, including panels with edging material. For claims 6, 7, and 19, Freeman fails to teach hardware and drawers inside the cabinet. Dickson teaches a cabinet (Fig. 1) with flush inner edging (44) and with flush hardware and drawers therein (see Fig. 3 and column 3, line 21-28). It would have been obvious to

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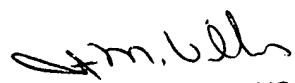
one of ordinary skill in the art at the time of the invention to add drawers with the necessary hardware in the cabinet of Freeman, such as is taught by Dickson, to add additional and movably mounted storage space therein.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet M. Wilkens whose telephone number is (571) 272-6869. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Wilkens  
June 22, 2006

  
JANET M. WILKENS  
PRIMARY EXAMINER  
D 72 73637